

BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

LINDA FOSHAUG,

Appellant,

v.

EMPLOYMENT SECURITY DEPARTMENT,

Respondent.

Case No. ALLO-01-0024

ORDER OF THE BOARD FOLLOWING
HEARING ON EXCEPTIONS TO THE
DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. This appeal came on for hearing before the Personnel Appeals Board, WALTER T. HUBBARD, Chair, and GERALD L. MORGEN, Vice Chair, on Appellant's exceptions to the Director's determination dated September 28, 2001. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington, on February 1, 2002.

Appearances. Appellant Linda Foshaug appeared *pro se*. Ellen Freeman represented Respondent Employment Security Department.

Background. Appellant submitted a classification questionnaire (CQ) signed March 16, 2001, requesting that her position as an Employment Security Program Manager (ESPC) 2 be reclassified to the class of Employment Security Program Coordinator 3. Mary Kirker, Unemployment Insurance (UI) Performance Audit Manager, and the unit's department head disagreed with the descriptions contained in Appellant's CQ. By letter dated June 1, 2001, Evelyn Rodriguez, Administrator for Human Resources Management, informed Appellant that her position was properly allocated to the ESPC 2 level. Appellant appealed this determination to the Director of the

1 Department of Personnel. On September 26, 2001, Paul Peterson, Personnel Hearings Officer,
2 conducted an allocation review and by letter dated October 2, 2001, informed Appellant her
3 position was properly allocated. On October 3, 2001, Appellant filed exceptions with the Personnel
4 Appeals Board to the director's determination.

5
6 Appellant's position is located in the UI Quality Assurance Unit of the UI Division. Appellant is
7 responsible for processing the Tax Performance System (TPS) program mandated by the US
8 Department of Labor. Mary Kirker, a Washington Management Service employee, is Appellant's
9 supervisor.

10
11 **Summary of Appellant's Argument.** Appellant asserts that the director's designee erred when he
12 concluded that she was not a senior-level designated specialist. Appellant asserts that
13 documentation she provided substantiates that she meets or exceed the criteria necessary to be
14 allocated to the ESPC 3 level. Appellant asserts, however, that the director's designee erred when
15 he did not allow her to discuss addendums that would have proved that her position is at the ESPC 3
16 level. Appellant argues that the designee also failed to objectively review documentation she
17 submitted prior to the hearing. Appellant asserts that she is responsible for a specialty area and that
18 these documents support that she meets all allocating criteria despite the fact that she has not
19 received written designation as required by the ESPC 3 class specification. Appellant denies that
20 the Department of Labor developed the TPS work plan and she contends that she designed the work
21 plan format within the parameters established by the Department of Labor in 1996, which is a tool
22 that guides the program.

23
24 **Summary of Respondent's Argument.** Respondent asserts that the duties performed by Appellant
25 are very technical in nature but do not rise to the level necessary to be reallocated to the ESPC 3
26 level. Respondent asserts that although Appellant works independently, her duties are performed

1 under the criteria mandated by the Department of Labor. Respondent asserts that the majority of
2 the exhibits Appellant submitted are from the Department of Labor's manual. Respondent asserts
3 that Appellant schedules tax audits using the criteria established in the manual, but that as a
4 Program Coordinator, Appellant has complete control over developing, monitoring and ensuring
5 that contracts are in place. Respondent further argues that Appellant has not received the requisite
6 written designation necessary for allocation to the ESPC 3 level. Therefore, Respondent asserts that
7 Appellant's duties and responsibilities do not meet the necessary criteria for reallocation to the
8 ESPC 3 level and that her position is properly allocated to the ESPC 2 classification.

9
10 **Primary Issue.** Whether the director's determination that Appellant's position is properly allocated
11 to the Employment Security Program Coordinator 2 classification should be affirmed.

12
13 **Relevant Classifications.** Employment Security Program Coordinator 2, class code 30210, and
14 Employment Security Program Coordinator 3, class code 30220.

15
16 **Decision of the Board.** The purpose of a position review is to determine which classification best
17 describes the overall duties and responsibilities of a position. A position review is neither a
18 measurement of the volume of work performed, nor an evaluation of the expertise with which that
19 work is performed. Also, a position review is not a comparison of work performed by employees in
20 similar positions. A position review is a comparison of the duties and responsibilities of a particular
21 position to the available classification specifications. This review results in a determination of the
22 class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v.
23 Washington State University, PAB Case No. 3722-A2 (1994).

24
25 While a comparison of one position to another similar position may be useful in gaining a better
26 understanding of the duties performed by and the level of responsibility assigned to an incumbent,

1 allocation of a position must be based on the overall duties and responsibilities assigned to an
2 individual position compared to the existing classifications. The allocation or misallocation of a
3 similar position is not a determining factor in the appropriate allocation of a position. Flahaut v.
4 Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

5
6 The definition of an ESPC 3 reads, in relevant part, that the incumbent “serves as a management
7 designated senior-level specialist within the ... Unemployment Insurance Programs and provides
8 advanced level consultation or liaison to a variety of internal and/or external customers.” The
9 distinguishing characteristics read, in relevant part, that positions that are allocated as senior-level
10 specialists for a program area must be designated in writing (emphasis added) by a Division
11 Administrator using the following criteria:

12
13 A senior-level specialist is defined as a consultant and recognized authority
14 working in a designated specialty area. Positions research new or revised laws
15 and regulations to recommend policies and develop procedures or consult on
16 technical systems procedures for the administration of programs. Positions
exercise primary responsibility for program policy development and/or act as an
agency spokesperson and have primary responsibility and authority for the
planning and design of their assigned specialty area.

17
18 Consistent with our decisions in Griffith v. Dep't of Ecology, PAB Case No. ALLO-00-0016 (2000)
19 and Stash v. Dep't of Ecology, PAB Case No. ALLO-00-0001 (1999), when a classification
20 specification requires written designation, we must look for a document that confers such a
21 designation upon the position in question. This written documentation can be a formal agency
22 designation form, an approved CQ or other written documentation.

23
24 There is no dispute that Appellant lacks written designation that she serves as a consultant and a
25 recognized authority working in a designation specialty. After reviewing the exhibits in this case
26 and the work performed by Appellant, we find no document that confers such designation to

1 Appellant's position. Appellant's duties, level of responsibility and independence fit within the
2 description of the ESPC 2 classification.

3
4 **Conclusion.** The appeal on exceptions by Appellant should be denied and the Director's
5 determination dated October 2, 2001, should be affirmed and adopted.

6
7 **ORDER**

8 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellant is
9 denied and the Director's determination dated October 2, 2001, is affirmed and adopted.

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11 DATED this _____ day of _____, 2002.

12 WASHINGTON STATE PERSONNEL APPEALS BOARD

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Walter T. Hubbard, Chair

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Gerald L. Morgen, Vice Chair